

EXHIBIT 6

From: Matt Rienstra <matt.rienstra@co.llano.tx.us>
Sent: Thursday, October 6, 2022 4:20 PM
To: Sarah Salomon; Jonathan Mitchell
Cc: Ellen Leonida; Dwain K. Rogers; Matt Borden; ryan@wittliffcutter.com; katherine@wittliffcutter.com; mac@wittliffcutter.com; Kayna Levy; Max Bernstein
Subject: RE: meet and confer

***** EXTERNAL MESSAGE *****

Sarah,

We are fine with your proposed ESI.
Safe travels.

Truly,
Matt
Matthew L. Rienstra
1st Asst. County Attorney
Llano County Attorney' Office

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From: Sarah Salomon <Salomon@braunhagey.com>
Sent: Wednesday, October 5, 2022 8:26 PM
To: Jonathan Mitchell <jonathan@mitchell.law>
Cc: Ellen Leonida <Leonida@braunhagey.com>; Matt Rienstra <matt.rienstra@co.llano.tx.us>; Dwain K. Rogers <drgers@co.llano.tx.us>; Matt Borden <borden@braunhagey.com>; ryan@wittliffcutter.com; katherine@wittliffcutter.com; mac@wittliffcutter.com; Kayna Levy <kayna@wittliffcutter.com>; Max Bernstein <bernstein@braunhagey.com>
Subject: RE: meet and confer

Jonathan/Matt/Dwain,

Thank you for the productive call yesterday. Further responses below:

- We can agree to an extension to November 14 for all but the discovery served on the County. You confirmed you will serve responses to the discovery served on the County on October 14.
- You confirmed that Ms. Wells is available for deposition on October 17. We are available to start at 10 am CT and anticipate being able to complete Ms. Wells' deposition by 3 pm, though we reserve the right to the full 7 hours. Of course, whether we can finish early is dictated by how cooperative the witness and counsel are.

- Matt, apologies for missing your call – I'm traveling currently. If you can send your ESI proposal via email, I can review.

Thanks,
Sarah

From: Sarah Salomon

Sent: Monday, October 3, 2022 1:11 PM

To: Jonathan Mitchell <jonathan@mitchell.law>

Cc: Ellen Leonida <Leonida@braunhagey.com>; Matt Rienstra <matt.rienstra@co.llano.tx.us>; Dwain K. Rogers <drogers@co.llano.tx.us>; Matt Borden <borden@braunhagey.com>; ryan@wittliffcutter.com; katherine@wittliffcutter.com; mac@wittliffcutter.com; Kayna Levy <kayna@wittliffcutter.com>; Max Bernstein <bernstein@braunhagey.com>

Subject: RE: meet and confer

Jonathan,

We'll send an invite for tomorrow at 10 am PT/12 CT. Further responses to your email below, for clarity:

(1) By October 10, we will provide you with a list of Defendants which we reserve the right to call. You will produce the Defendants on that list at the PI hearing.

(2) You are checking on Ms. Wells' availability the week of October 10. Please have an answer for us regarding dates by our call tomorrow.

(3) The response deadline remains October 14 for the Interrogatories, Requests for Production, and Requests for Admission we served on the County on September 14. We have not agreed to extend the deadline for that discovery. The deadline for the remaining discovery served September 14 is now November 4.

(4) We have agreement on a timetable for deposition designations and fact stipulations.

(5) Please have a final response regarding the ESI stipulation by our call tomorrow. We provided the initial draft to you almost a month ago.

Thanks,
Sarah

From: Jonathan Mitchell <jonathan@mitchell.law>

Sent: Thursday, September 29, 2022 11:34 PM

To: Sarah Salomon <Salomon@braunhagey.com>

Cc: Ellen Leonida <Leonida@braunhagey.com>; Matt Rienstra <matt.rienstra@co.llano.tx.us>; Dwain K. Rogers <drogers@co.llano.tx.us>; Matt Borden <borden@braunhagey.com>; ryan@wittliffcutter.com; katherine@wittliffcutter.com; mac@wittliffcutter.com; Kayna Levy <kayna@wittliffcutter.com>; Max Bernstein <bernstein@braunhagey.com>

Subject: Re: meet and confer

*** EXTERNAL MESSAGE ***

Thanks. Why don't we plan on 10:00 a.m. for next Tuesday but we may be able to resolve these issues over e-mail.

(1) We have no intention of calling your clients as witnesses, although we want to reserve our right to cross-examine them if you decide to put them on the stand. At this point we have no intention of calling witnesses and I do not expect that to change before October 10.

If you let us know by October 10 which defendants you want to reserve the right to call, that should give us plenty of time to file a motion with Judge Pitman excusing the remaining defendants from attending the hearing.

(2) We will check on Mrs. Wells's availability and get back to you.

(3) Thank you for agreeing to extend the discovery deadline.

(4) I agree that we should use deposition designations when possible in lieu of live testimony, and I am fine with your proposed timetable.

(5) I will confer with Dwain and Matt about the ESI protocol and get back to you.

—Jonathan

On Sep 29, 2022, at 4:13 PM, Sarah Salomon <Salomon@braunhagey.com> wrote:

Counsel,

We are available to meet and confer on Tuesday between 9-11 PT. Please let us know what window in there works for you. I've included preliminary answers to the questions you have raised below:

(1) Judge Pitman's order of August 31, 2022 (ECF No. 69) requires all parties (as well counsel) to appear. We are going to ask him to excuse our clients from attending unless you do not intend to call those individuals as witnesses. [We do plan on calling Defendants as witnesses, and will issue trial subpoenas in the coming weeks. In the alternative, we can provide you a list of Defendants we reserve the right to call by October 10 \(please do the same for us\). If you can confirm you will produce those witnesses for the hearing, we will not oppose your request to excuse the remaining Defendants from attending, provided you extend the same courtesy to any Plaintiffs you do not intend to call.](#)

(2) Mrs. Wells is not available for a deposition on October 17, 2022. I don't believe that you conferred with us before noticing this deposition, so we need to confer and find a time that is mutually agreeable for all of us. [We are available any day the week of October 10 for Mrs. Wells' deposition. Please let us know what day works.](#)

(3) You served 22 different sets of discovery requests on September 14, 2022. It will not be possible for us to answer all of these by October 14, 2022, so we need confer on the possibility of an extension. [We are puzzled by this request, which we are receiving two weeks after we propounded this discovery. We have served similar requests on each Defendant, for a narrow time period for which there should be a well-defined, easily accessible tranche of documents. Nevertheless, in a good faith effort to reach compromise, we can grant you a three-week extension on the discovery we propounded on September 14, with the exception of the Interrogatories, Requests for Production, and Requests for Admission served on the County. You have ample time to respond to a single set of discovery propounded on one defendant by October 14.](#)

In addition to the above, we would like to discuss fact stipulations and deposition designations. We will be providing you draft fact stipulations by next week, with the goal of having them ready to provide to the Court by October 24. We are also reviewing whether we can submit the testimony of certain witnesses by deposition designation to further streamline proceedings. We propose exchanging initial deposition designations on October 17, and counter-designations on October 21, so that we can also provide those to the Court along with fact stipulations by October 24.

Finally, I will respond here with respect to the ESI protocol. We will not agree to including the language pausing all discovery until after the PI hearing—the inclusion of which, as far as we can tell, was Defendants’ sole edit. As we have discussed during numerous meet and confers, Defendants can seek a stay of discovery by filing a motion if they wish. They cannot, however, seek to impose such a stay by way of the parties’ ESI protocol.

Best,
Sarah

From: Jonathan Mitchell <jonathan@mitchell.law>
Sent: Wednesday, September 28, 2022 6:54 PM
To: Sarah Salomon <Salomon@braunhagey.com>
Cc: Ellen Leonida <Leonida@braunhagey.com>; Matt Rienstra <matt.rienstra@co.llano.tx.us>; Dwain K. Rogers <drogers@co.llano.tx.us>; Matt Borden <borden@braunhagey.com>; ryan@wittliffcutter.com; katherine@wittliffcutter.com; mac@wittliffcutter.com; Kayna Levy <kayna@wittliffcutter.com>; Max Bernstein <bernstein@braunhagey.com>
Subject: meet and confer

*** EXTERNAL MESSAGE ***

Counsel:

We need to confer about the following topics:

(1) Judge Pitman’s order of August 31, 2022 (ECF No. 69) requires all parties (as well counsel) to appear. We are going to ask him to excuse our clients from attending unless you do not intend to call those individuals as witnesses.

(2) Mrs. Wells is not available for a deposition on October 17, 2022. I don’t believe that you conferred with us before noticing this deposition, so we need to confer and find a time that is mutually agreeable for all of us.

(3) You served 22 different sets of discovery requests on September 14, 2022. It will not be possible for us to answer all of these by October 14, 2022, so we need confer on the possibility of an extension.

None of this is particularly urgent, so we could schedule this for next week if that works for you.

—Jonathan

Jonathan F. Mitchell
Mitchell Law PLLC
111 Congress Avenue, Suite 400
Austin, Texas 78701
(512) 686-3940 (phone)
(512) 686-3941 (fax)
jonathan@mitchell.law
papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=791842

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Jonathan F. Mitchell
Mitchell Law PLLC
111 Congress Avenue, Suite 400
Austin, Texas 78701
(512) 686-3940 (phone)
(512) 686-3941 (fax)
jonathan@mitchell.law
papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=791842

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